TOWN OF EATONVILLE
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2015 Comprehensive Plan Update

Public Participation Plan

Purpose

The Washington State Growth Management Act (GMA) requires towns to conduct outreach to ensure *"early and continuous public participation"* in developing and amending comprehensive plans and development regulations (RCW 36.70A.140). The GMA also requires that local programs clearly identify schedules and procedures for public participation in the periodic update process (RCW 36.70A.130(2)(a)). The purpose of this Public Participation Plan (PPP) is to ensure compliance with the statue by identifying the scope of proposed activity and potential timeframe for participation and decision making.

Goals

1. Ensure broad participation by identifying key interest groups and soliciting input from the public.
2. Maintain effective communication and coordination.
3. Focus resources on issues most likely to be of interest to the public.
4. Distribute information and public notices early and efficiently.

Background

With the assistance of an Urban Design and Planning Team from the University of Washington, in January 2012 the Town of Eatonville began the periodic Comprehensive Plan 2015 update process required under RCW 36.70.A.130. As a result of that effort and after having conducted an extensive public participation process, in June of 2012 the UW Team presented draft updates to the Planning Commission for the following Comprehensive Plan chapters: Chapter 7 – Vision, Goals and Policies; Chapter 10 - Land Use; Chapter 11 – Housing; Chapter 12 - Parks and Recreation; Chapter 13 - Economic Development; Chapter 15 – Transportation; and, a new Chapter on Public Participation (PP). Although the UW Team made substantial progress, the project stalled shortly after the completion of their initial effort. Building from what's been completed thus far, the Town is re-engaging the public participation process for the update as required under RCWs 36.70A.130 and .140.

Scope of Work

The scope of work is division into three (3) phases:

Phase I: Review Comprehensive Plan and Development Code for compliance with state law; identify plan areas to be amended; scope the breadth of the update publicly. Review the updated chapters the UW Team presented to the Planning Commission in 2012.

Phase 2: Address the issues identified in Phase 1.

Phase 3: Conduct public hearings and take legislative action.

Phase details:

Phase 1

- Conduct a thorough review of GMA requirements and compilation of amendments since the last update(s). Review the Comprehensive Plan, the UW Team draft chapter updates presented to the Planning Commission and the public in 2012, and review Development Regulations to determine whether revisions will be required to ensure consistency with GMA amendments, using the GMA Periodic Update Checklist and other resources.
- Analyze the 2012 UW Team Urban Growth Area proposal to ensure it is sized to accommodate 20 years of population and employment growth, based on the adopted Office of Financial Management range.
- Identify corrective actions, if necessary, such as rezoning parcels, changing the allowed uses and densities or planning assumptions, or altering the size of the UGA.
- Inventory and assess Capital Facilities necessary to implement the 20-year plan.
- Review County's countywide planning policies and need for local policies to maintain cross jurisdictional consistency.
- Provide a status report to the public, the Planning Commission and Town Council.

Phase 2

- Propose updates and amendments to the Comprehensive Plan through public work sessions before the Planning Commission and/or Council.
- Develop revisions to the plan that incorporates community vision, planning assumptions, and plan policies.
- Conduct SEPA review.

Phase 3

- Planning Commission will conduct public hearings on the proposed Comprehensive Plan amendments and will forward a recommendation to the City Council.
- The Town will provide notification to the Department of Commerce with notice and text of the proposed amendments at least 60-days prior to final adoption.
- The Town Council will conduct separate public hearings on the proposed amendments and will take legislative action.
- Forward amendments to Pierce County and the Washington State Department of Commerce.

Public Participation Structure

Techniques and Strategies

The public participation methods employed have and/or may include:

- Use of innovative technologies whenever reasonably possible, such as posting meeting notices online, electronic surveys, online maps, links to informative programming and

planning activities.

- Provide public notices and information releases through print, posting, mail, and email. Publicize through community channels such as schools, social clubs, and local websites. Post all hearing notices and materials on the Town's website. Use Town utility billing inserts.
- Maintain an email distribution list and database of interested stakeholders to disseminate public information and notices of meetings.
- Identify and reach out to stakeholders, such as the school district, neighborhood associations, business groups, and civic organizations.

Targeted Schedule

Town of Eatonville Public Participation - Targeted Schedule	
January 2012	Phase 1: Project Kickoff with UW Urban Design and Planning Team
March 2012	Community Meeting
2012	Online Survey
June 2012	Planning Commission Meeting - Updated Chapters 7, 10, 11, 12, 13, 15, & PP
September 2015	Review and assessment of existing documents and relevant requirements
October 2015	Phase 2: Planning Commission Open House – Public Work Sessions – Review and Work Program Scoping
March 2016	Phase 3: Planning Commission Public Hearing
April – May 2016	Planning Commission Meetings (*Deliberations*)
August 2016	Combined Town Council and Planning Commission Meeting
October 2016	Town Council Public Hearing
November 2016	Town Council Meetings (*Deliberations*)
January 2017	Town Council Final Adoption

THE DISPATCH

RIM PUBLICATIONS

Publishers of

EATONVILLE DISPATCH

P.O. Box 248 - Eatonville, WA 98328

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AFFIDAVIT OF PUBLICATION

State of Washington, Pierce County

I, Pat Jenkins, under penalty of perjury, do hereby declare:

I am a representative of the Eatonville Dispatch (the 'Newspaper') whose regular job duties include the authorization to execute Affidavits of Publication on behalf of the Newspaper;

The Newspaper was adjudicated to be qualified to publish legal notices in the above county by Court Order;

On the below dates, the Newspaper published a legal notice, a copy of which is attached hereto, in relation to the file known as:

157419

On the below dates, the Newspaper circulated copies, including the attached notice, in the regular course of business throughout the above County;

Insertion Dates: 09/09/15

Pat Jenkins

Subscribed and sworn to me this day 9/10/15

Notary Public:

Michelle Pate
NOTARY PUBLIC
MY APPOINTMENT EXPIRES 03/22/2017
STATE OF WASHINGTON

NOTICE OF PUBLIC HEARING BY
THE EATONVILLE PLANNING COMMISSION
September 21, 2015

NOTICE IS GIVEN that the Eatonville Planning Commission shall hold a Public Hearing for the purpose of soliciting public input regarding a Public Participation Plan for the 2015 update of the Town's Comprehensive Plan. A complete copy of the draft Public Participation Plan is available at the Eatonville Town Hall, 201 Center Street West, Eatonville, Washington between the hours of 8:00 AM and 5:00 PM. The meeting will be held at the Eatonville Community Center, 305 Center Street West, Eatonville, Washington, at 7:00 PM on Monday, September 21, 2015.

Kerri Murphy
Planning Dept.

Town of Eatonville
PLANNING COMMISSION MEETING
Monday, September 21, 2015
COMMUNITY CENTER
305 CENTER STREET WEST

CALL TO ORDER

Chairman Lambert called the meeting to order at 7:00 PM.

ROLL CALL

Present: **Commissioners Beach, Craig, Justice, Lambert and Miller.**
Commissioner Bertoia was excused.

STAFF PRESENT: Mayor Schaub, Doug Beagle and Kerri murphy

OPENING CEREMONIES

Commissioner Miller led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Beach move to approve the agenda. Seconded by **Commissioner Miller.** AIF

APPROVAL OF MINUTES

Approval of the **September 8, 2015** minutes. **Commissioner Beach** motion to approve with corrections. Seconded by **Commissioner Miller.** AIF

COMMUNICATIONS OR ANNOUCEMENTS

There were no communications or announcements.

PUBLIC HEARING

Variance request from Design Standards for frontage of building lots at 600 Eatonville Hwy

David Predmore, 560 Eatonville Hwy W., - asked what the hearing is for, what is being discussed and to see a map. The notice of the meeting did not include a map. After Mr. Beagle showed him the map and explained what the variance was for, Mr. Predmore said he now understood and had no objections.
Chairman Lambert asked the planning commissioners' if any of them had any exparte communications on this subject outside of this hearing. **Commissioners Craig, Justice, Lambert, Beach and Miller all answered no.**
Chairman Lambert asked if any of the commissioners felt that they could not be impartial on this variance. **Commissioners Craig, Justice, Lambert, Beach and Miller all answered no.**
Doug Beagle, Town Administrator explained that the town received an application from Park Place Homes requesting a variance (page 4) from current design code that requires that the house will face the closest street. They are requesting a variance for the houses to face the alley making it more of a neighborhood feeling. The code states that lot "A" should be facing Iron Street, and lot "B & C" should be facing Eatonville Hwy. The applicant has brought it to our attention that one house would be looking into the back of another house. They wanted to provide better options for the community as far as marketing their product to a potential buyer. They felt that this was the best application for the house frontage(s) which then triggered a variance application through this body. The planner Scott Clark has gone through the application and identified the following: Lots "A&B" have the same determinations; Lot "C" he stated that he is having a hard time finding a opportunity for a staff recommendation to approve the variance based on staff recommendation.

That does not mean that the Board of Adjustment has to see it that way, just that this is his recommendation to you. (See below) Mr. Beagle said that he is a little perplexed by that, only in the sense that if you look at page 4 again, and you look across the street to the two houses that are on Larson St., they both face Larson St., but per our code they have the opportunity to face Eatonville Hwy. or Larson because it's a corner lot it's up to them to decide. His opinion is if we are improving the alley way, creating it as a driveway he would think that lot "C" could have the same determination to face it towards Eatonville Hwy or the alleyway. The planner is advising us per the code the way he interprets it. I know that Commissioner Craig has offered before for people to have the flexibility and creativity to come to the town and discuss it. When we were discussing this with the applicant we told them they needed to provide us with information of why they wanted this variance. You have to apply for it, you can't just ask for it. So they had to go back and think some things through, that what they were asking for was reasonable and sound in their opinion.

Staff Analysis and Recommendations

Lot A:
Lot A is located north of Lots B and C, west of an existing church, east of a vacant lot, and is abutting the undeveloped Iron Street to the north. The Iron Street right-of-way does not currently provide access; access is proposed from the undeveloped alley on the south side of the lot.
It is Staff's belief a variance to Lot Frontage for Lot A may be considered necessary by the Board because of special circumstances relating to the lot's location and surroundings, including but not limited to the existing neighborhood development patterns, and the fact that the Iron Street right-of-way is undeveloped and is unlikely to be developed for access in the future. Requiring this lot to orient the home towards an undeveloped street (that is not anticipated to be developed) does not appear to have any practical purpose as it relates to the orientation requirements goal of creating a uniform neighborhood environment along Town streets. Given the existing physical conditions and constraints, and in consideration of the allowance provided for corner lots to choose Lot Frontage in this zone, the Board could find the granting of a variance will effectively provide the landowner with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located. It also appears a variance could be found not to constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity. Finally, based on the above it's Staff's belief the Board could find granting a variance would not be considered materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone.

Lot B:
Lot B is located northwest of Lot C, south of Lot A, and north and east of existing single family residences. Lot B is an isolated lot that has no direct frontage along a Town street. Access to this lot is limited to the undeveloped alley on the north side.
It is Staff's belief a variance to Lot Frontage for Lot B may be considered necessary by the Board because of special circumstances relating to the lot's location and surroundings, including but not limited to the existing neighborhood development patterns, and the fact that the lot is effectively an island property (surrounded by other lots and having no direct frontage on a Town street). In this particular case, requiring this lot to orient the home towards the closest street does not appear to have any practical purpose as it relates to the orientation requirements goal of creating a uniform neighborhood environment along Town streets. Given the existing physical conditions, constraints; and in consideration of the allowance provided for corner lots to choose Lot Frontage in this zone, the Board could find the granting of a variance will effectively provide the landowner with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located. It also appears a variance could be found not to

constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity. Finally, based on the above its Staff's belief the Board could find granting a variance would not be considered materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone.

Lot C:
Lot C is located southeast of Lots A and B, southwest of an existing church and east of an existing single family residence. Lot C physically fronts directly on the north side of the Eatonville Highway; it also abuts an ally on the northeast side, adjacent to the church.
Having reviewed the application materials provided by the Applicant, and although Staff understands the intent of the proposal, it appears the Applicant has not adequately demonstrated compliance with the Conditions for Granting a variance pursuant to EMC 18.09.040. Based on the information provided it appears a variance to Lot Frontage for Lot C would not be considered necessary because of any special circumstances relating to the lot's location and surroundings; Lot C is fronting directly onto Eatonville Highway. The existing neighborhood orientation development pattern appears to be compliant (see the "Area Home Orientations to the Nearest Street (Lot Frontage)" illustration on page 4). In Staff's opinion, requiring Lot C to orient the home towards the closest street appears to have practical purpose as it relates creating a uniform neighborhood environment along Eatonville Highway. Given the existing physical conditions and orientation pattern, it appears the Board could find the granting of a variance would unreasonably provide the landowner with use rights and privileges permitted to other properties in the vicinity and in the zone. As such, Staff believes a Lot Frontage variance could be found to constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity. Finally, based on the above the Board could find granting a variance would be considered materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone. As such, Staff does not support the requested variance for Lot C.
Commissioner Beach said that the portion where it was discussed at the meeting of August 17, 2015 the minutes of the discussion should be added to this set of minutes for the record. This is under Communications and Announcements, page 1. The people that want this variance, who are not here tonight came here and in the Communications and Announcements there was some discussion of this particular matter. The minutes for this discussion run from page 1 -3. All of that should be put into the record here when we hold this hearing. This is material that was spoken to the Planning Commission and in his judgement was not legal but never the less it's what happened.
Commissioner Miller seconded the motion. AIF

*****08/17/15*** ***COMMUNICATIONS OR ANNOUCEMENTS***

Doug Beagle, Town Administrator *referred the commissions to a packet provided by the citizen who recently purchased the Ceccanti property located adjacent and behind the Assembly of God church. They asked the town for the direction and location of the houses for placement on the lots. He explained that the second sheet in the packet is exactly what the code reads addressing the direction and the frontage of where the home should be placed. He added that Mr. Anglemeyer is here to discuss their proposal of how they would like to see the house fronts face and the reasons why.*
Devin Anglemeyer, *10515 – 59th Ave E., Puyallup, WA. – said that mainly just because of the alleyway. Otherwise you have homes that are looking at each other's backyards. If you enter off of Iron Street you will be trying to enter off of a street that is not even built. He would like to see the houses front on the one alley that comes in by the church and face their homes to that alley.*
Chairman Lambert *said that in other words, exercise common sense.*
Mr. Anglemeyer *said exactly.*

Commissioner Beach *confirmed that the green line indicated on the map provided is what he wants for the houses to front on which is now an alley.*
Mr. Anglemeyer *– Yes.*
Commissioner Beach *asked if this would be a paved alley and will it be improved?*
Mr. Anglemeyer *– Yes.*
Chairman Lambert *asked if there would be sidewalks?*
Mr. Beagle *explained that it is a paved alley. He said that part of the challenge is that our code, based on our interpretation is how the second map shows, and clearly he would agree with the applicant that it doesn't make sense for somebody to face the rear property of another property when this Board here is the one that would be approving the variance. What Mr. Anglemeyer is here to do is get a temperament of the commission before they go through the process of applying for a variance?*
Chairman Lambert *asked what the actual depths of the lots are.*
Mr. Anglemeyer *estimated 110' depth X 75' wide.*
Chairman Lambert *asked if the homes the he is proposing, would there still be adequate room to meet setbacks.*
Mr. Beagle *answered yes, they would have that.*
Commissioner Beach *addressed the matter of procedure here. Explaining that if he is going to come and ask for a variance, then that is a quasi-judicial function, we are going to have a hearing and we shouldn't be expressing our opinions as to whether this is good or bad on this. He added that actually, he should get his sense of the commission at the hearing of the variance. He understands why he is here and if he were in his position he would probably try the same thing.*
Mr. Anglemeyer *said that it do say in the code that if you abut or face an alley that the garage shall face the alley and enter through the alley.*
Commissioner Beach *said that the question is that if you need to have a variance, a variance is what we call a quasi-judicial function. So the commissioners sit as a Board of Adjustment, not as a planning commission to deal with a variance and the conditional use permit is the same thing and that has to be advertised and we have to swear you in, so it's quasi-judicial. We hear your testimony and anybody else that may want to make testimony regarding it and once there seems to be no one else that is going to give testimony then we close the hearing. The Board of Adjustment then talks about this among them and eventually it gets voted on. He was concerned that they were getting the cart before the horse.*
Mr. Beagle *explained that as Mr. Anglemeyer and his partners were expressed what the process was before they came to you tonight knowing that it had to go in front of that body. These gentlemen have built 10 homes in our community and are consistently pursuing other lots within our community. We are not trying to give them any leg up on anybody else; it was more to get a sense of what that was before they incurred the cost of coming in because they have other options. If this doesn't work for them they want to know now before they invest too much money because they are just going to sell the lots.*
Commissioner Beach *said that that makes perfectly good sense to him, it makes perfectly good sense as to why he would like to get this kind of thing but he is just wondering if there happen to be some real opposition to this they could say well the deck was stacked to begin with because he came here and talked to the commission about it prior to the actual public hearing. The public hearing is supposed to have all the things in it that the Board of Adjustment will consider not these other things. What he wants to do is perfectly rational and he does not have any problem with that and he is not making any judgement as to whether this ought to be granted or not granted. He is just saying he wondered if the town attorney would look upon this as something that the commissioners ought to be doing.*
Mr. Beagle *said that as far as he was concerned this was information only.*
Chairman Lambert *said that as far as the public hearing goes, if anybody were to make an appearance that was opposed to it, whatever their position was would be considered.*

Commissioner Beach *said yes. He thought that whatever was said from the very beginning to however much further it goes should be put into the record of the public hearing. It should be announced to the people that come to the public hearing that there was this discussion. Prior and this is what was said and so on. He felt that that was the only way of dealing with this that might not get us into trouble and I am sure it won't get us into trouble. If there is no opposition then of course this thing is going to fly along just fine.*
Mr. Beagle *said, as a body, then don't respond.*
Commissioner Beach *said that he felt Mr. Beagle was right in that regards. We can just hear it, then he doesn't get what he's after which is a sense of the body.*
Mr. Beagle *said that he knew before coming in here that it may not be approved based on the way the code reads.*
Commissioner Beach *said that he is just being the devil's advocate.*
Commissioner Miller *said as long as none of the neighbors or anybody had any objections to any zoning changes he does not see how this board would have the right to deny ...*
Commissioner Beach *said that he does not entirely agree with that because anything that they agree to do sets a precedent. So somebody else could come in here and say well you did this for Joe Blow.....then you should do it for me.*
Commissioner Miller *said he was not talking about Joe Blow, I'm talking about anybody.*
Commissioner Beach *said no...he is not talking about the neighbors. Somebody who reads about this and says well I fit in that category too.*
Commissioner Miller *said that his opinion on the matter would probably be pretty consistent.*
Commissioner Beach *said, again, because it's the quasi-judicial, this is not a hearing on public policy, this is a hearing that affects a designated set of people who are going to benefit by it if we approve it and so on so it's different than us dealing with a matter of policy. We become the judge and jury on variances.*
Chairman Lambert *said that at the same time there is common sense and what's written in law don't necessary jive.*
Commissioner Beach *agreed.*
Mr. Anglemeyer *said that if you look at the way it is set up the back yard will face other back yards.*
Chairman Lambert *explained that as far as where it was going with this discussion, the planning commission really needed to move on. The commission understands why you are here but should not be discussing it at this time.*
Commissioner Beach *said that he felt obligated to raise the issue, it was not that he was prejudging or is against anything that he may be requesting. He explained that he had been on the planning commission for many years. He added that they used to have lots of these kinds of things, we had short courses on planning commission and so on, a lawyer came in and they probably spent 75% of their time on this whole matter of quasi-judicial functions which is basically the variances and the conditional use permits rather than the issues of public policy. So, that is why he brought this up but the Chairman is absolutely right that sometimes common sense and the law don't necessarily mesh together very well. He suggested that they describe their situation but the planning commission should not respond.*
Mr. Anglemeyer *said that this is what they are here for and added that these homeowners would rather have a backyard in their backyard rather than a driveway adding that he felt that the houses would be easier to sell.*

Commissioner Beach move to close the public hearing.
Commissioner Miller seconded the motion. AIF
Chairman Lambert explained that the staff recommendation from the town planner (Scott Clark) is that lots "A&B" be granted the variance and lot "C" he didn't believe .....(Not audible)
Mr. Beagle said it did not show a hardship.
Chairman Lambert asked what level of improvement will be done to the alley.

Mr. Beagle explained that there was a Design Standard for alleyways to be paved. They would have to meet the town standards for alley improvement and then the alley is dedicated to the town.
Commissioner Beach said he would be inclined to go along with the planning consultant on this but on the other hand he can see the logic of what Mr. Beagle said too. He thinks his position would be strengthened though if there was a sign at the beginning of the alley that would indicate that these house numbers are down this alley. If someone comes by looking for these house numbers they would find something that would tell them where these houses are actually located with the house numbers on them. He added that it would not make a lot of difference if the Board went with what Mr. Beagle suggested or the planning consultant.
Chairman Lambert said that from an aesthetic point of view that it would be more desirable to have all three houses facing the alley.
Commissioner Beach said that if a lot is on a corner we do say that they can pick...is an alley part of a corner? Does the code suggest in any way that an alley way can create a corner. If it can create a corner, then it is six of one and half dozen of another.
Mr. Beagle stated that he was sure that the planner would have looked at whether or not it is a corner lot.
Commissioner Miller added that with lot "C" being slightly narrower, not having to back out across that sidewalk might be a safety advantage.
Mr. Beagle said that there are certainly a number of people who have to back out on to Eatonville Hwy. and SR 161.
Commissioner Miller said that if it could be avoided maybe...
Mr. Beagle said that you could speak to a hardship as public safety and we could defend it. When a variance is approved, then the town has to write findings and facts to support what the variance was approving. If lot "C" is allowed the way the variance is asked for we are going to make sure that we have that designation of safety to backing out on to Eatonville Hwy. as part of our decision.
Commissioner Miller said especially onto the highway. It is a pretty busy spot; a lot of people walk there during the day.
Mr. Beagle said you have to ask yourself if you want to go against the planner even though the picture he (Mr. Beagle) painted might make sense. This developer is going to get two out of the three accomplished in the variance. As a town can we defend lots A, B and C; I believe we can. From our planners recommendation he is saying A & B and he can defend that because he is going to be the one writing it. It's a gray area in our code, bottom line is can we defend it. As soon as you start talking about public safety hang your hats on that if that is what you'd like to do.
Chairman Lambert asked the width of the lot.
Kerri Murphy thought it was 60 feet wide.
Chairman Lambert asked what the setbacks are for the building lot.
Mr. Beagle answered 25 ft. in the front, 8 from the rear and 8 ft. on the sides.
Commissioner Beach said he was going to move to go with the consultant's proposal and if somebody feels that it should be lot "C" also, they can make a motion.
Commissioner Beach move to adopt the planning consultant's recommendation that lots "A & B" front on the alley and lot "C" fronts on Eatonville Hwy.
Commissioner Miller seconded the motion. AIF
Chairman Lambert asked if anyone wished to make an amendment on lot "C".
Commissioner Beach made an amendment that the developers have a street sign put in place indicating the address located on the alley.
Commissioner Miller seconded the motion. AIF.

Commissioner Beach said he would like to suggest that the planner put his recommendation in bold and underlined.
**** Correction** Page 12:** It was noted that the date on #6, pg. 12 needed to be changed to reflect the 21st not the 8th of September.

PARCELS A & B:

The variance ***will not*** constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; ***Beach/Miller AIF***

Such variance ***is*** necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and ***Beach/Miller AIF***

The granting of such variance ***will not*** be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated. ***Beach/Miller AIF***

PARCEL C:

The variance ***will*** constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; ***Beach/Miller AIF***

Such variance ***is not*** necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and ***Beach/Miller AIF***

The granting of such variance ***will be*** materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated. ***Beach/Miller***
Commissioner Justice asked if he intended for it to read "will be"?
Commissioner Beach said yes. Frankly he thinks it is stretching it a bit but that is what is consistent with denying the variance on that piece and consistent with what the planner is saying here.
Chairman Lambert added that he might argue that he is not sure it would be detrimental to the property but it would go against our code and being consistent.
Commissioners Beach, Miller and Craig voted for the motion. **Commission Justice** voted against the motion..

IX. DRAFT BOARD OF ADJUSTMENT DECISION:

PARCEL C:
Having conducted the required public hearing and carefully considering the entire record, including but not limited to the Planning Department file, the recommendations and comments of Planning Staff, the presentation and comments of the Applicant and the public, by a vote of _**3**_ in favor and _**1**_ opposed, the Board of Adjustment hereby adopts the Planning Staff Analysis, Recommendations and Findings of Fact contained herein and as noted above, and hereby ***DENIES*** the Park Place variance request for Parcel C.
Commissioner Beach read the motion for denial of lot "C".
Commissioner Miller seconded the motions. AIF.

PARCELS A & B:
Having conducted the required public hearing and carefully considering the entire record, including but not limited to the Planning Department file, the recommendations and comments of Planning Staff, the presentation and comments of the Applicant and the public, by a vote of _**4**_ in favor and _**0**_ opposed, the Board of Adjustment hereby adopts the Planning Staff Analysis, Recommendations and Findings of Fact contained herein and as noted above, and hereby **APPROVES** the Park Place variance request for Parcels A and B, subject to the following conditions of approval:

Commissioner Beach read the motion for approval of lots "A&B".
Commissioner Miller seconded the motions. AIF.

X. DRAFT CONDITIONS OF APPROVAL:

PARCELS A & B:

1. The variances authorized herein shall remain effective for one year for each lot, unless home construction has commenced. If home construction has not commenced within one year for each lot, the applicable variance shall become invalid. "Home construction" shall be considered the submission of a "complete building permit" application, as determined by the Town of Eatonville Building Official. ***Beach/Miller AIF***

2. Prior to issuance of final occupancy permits for Lots A, B and C, the undeveloped alley shall be improved and approved by the Town Engineer. ***Beach/Miller AIF***

3. ~~The installation of fencing along the Iron Street SW right-of-way shall be limited to the design and development standards of a front yard fence.~~ Removed by Board of Adjustment.

4. The developer(s) is responsible for the installation of a street sign at the alley way and Eatonville Hwy. which contains the addresses of the houses that are located on the alley.

Chairman Lambert asked Mr. Beagle to explain the logic behind #3.
Mr. Beagle said that a front yard fence is 4 ft. where a side and rear are 6 ft. What they are saying here is that lot "A" the fence on the Iron St. side, that fence is to be no higher than 4 ft.
Chairman Lambert stated that they are talking about a fence that is facing an undeveloped road that has no intention of being developed. Why?
Mr. Beagle said correct.
Chairman Lambert asked why it mattered.
Commissioner Beach said that in affect we are taking away the backyard from lot "A". So it has two front yards, two side yards and it has no backyard.
Chairman Lambert said he thinks that this is something that if they were talking about developing Iron St. in the near future this would not be an issue. Regardless, in geography that is a backyard with fencing purposes and we might as well allow them to have a fence in the backyard.
Mr. Beagle said that he would agree that a front yard requirement is being put on a rear yard if we allow the variance for lot "B", or you have.
Commissioner Beach – Condition #3 -motion it's adoption.
Commissioner Miller seconded the motion.
Chairman Lambert clarified that the motion to adopt condition #3 to adopt *"The installation of fencing along the Iron Street SW right-of-way shall be limited to the design and development standards of a front yard fence". Motion failed.*
Commissioner Beach moves that condition # 1 be approved.

Commissioner Miller seconded the motion. AIF.

Commissioner Beach moves that condition # 2 be approved.
Commissioner Miller seconded the motion. AIF.

#3 – Opposed by Board of Adjustment.

Chairman Lambert stated that the Board of Adjustment has approved the variance for lots "A&B", denied the variance for lot "C". Parcels "A&B" have one year in which to build. Lots "A,B and C" have final occupancy when the alleyway has been improved and developer shall install a street and address signage at the alleyway and Eatonville Hwy.

Signed by Chris Lambert 09/21/15

Board of Adjustment Chairman Date

XI. ATTACHMENTS:

Attachment A: Park Place Homes LLC Variance Application Materials (*Master Application; Variance Application; Exhibit A (3 pages); parcel map; copy of Staff code review regarding frontage; proposed Site Plan for Parcel C; etc.*)
NOTICE: Pursuant to EMC 18.09.040, the decision of the Board of Adjustment shall be final and conclusive, unless within 10 days from the date of action the original applicant or an adverse party makes an appeal to the town council. This appeal should be in writing to the town council and filed with the town clerk.

Comprehensive Plan Update – Public Participation

Doug Beagle, Town Administrator – The Washington State Growth Mgmt. Act requires the town to adopt a Comprehensive Plan and part of the process is to go through a Public Participation process. There are numerous sections to the Comprehensive Plan. The process was started when Nick Bond still worked here. He had the University of Washington students working on the plan towards getting this completed. With the down turn in the economy, the town did not have the resources to continue this process. The state put a mandate on the town that it had to be completed in 2015. Knowing that we were in a similar boat with other agencies with a government mandated without any funding. We have been going through this process to update our Comprehensive Plan and the one thing that is challenging for the town is that if it is not approved it will limit our capacity of getting grants for federal dollars. The town reached out to Puget Sound Regional Council (PSRC) and asked them to work with us in a manner so that we can get certain sections of the comprehensive plan approved. Transportation is a big thing for PSRC, this is the number one thing that they look at is your transportation approved in your Comprehensive Plan. Most jurisdictions when their comprehensive plan is approved, it's all done. We're looking at trying to do certain sections so that we will not miss the grant round opportunity. There are multiple steps that have to happen and this is one of the beginning steps. We've been working accumulating all of the stuff that the University of Washington did, working with our planner Scott Clark. This task is not an easy task. When you are talking about the Comprehensive Plan you are talking about the entire jurisdictional boundaries from planning initiatives to shoreline protection management to a number of different things. There are 16-17 chapters of our Comprehensive Plan. As far as our checklist, according to our planner we needed to have a participation plan and take it in front of a public hearing through our planning commission. As you

can see through the report there is a purpose and goals to insure broad participation by identifying key interest groups, enlisting input from the public, maintain effective communication and coordination, focus resources on what would be of most interest to the public and distribute public notices thoroughly and efficiently. There are three phases of this, Phase 1-Review the Comprehensive Plan and develop a code for compliance with state law; Phase 2 – Address the issues identified in Phase 1; Phase 3 – Conduct public hearings and take legislative action.
Mayor Schaub said that page 3 – at the new targeted schedule we are sitting right at the end of phase 1, so the initial kickoff did take place back in 2012 when Nick Bond and the UW students started the process, was updating so we have more work to get done to get it up to current putting us at the end of phase 2 which if you look at the targeted schedule will start the phase 2 piece next month. This will go across until March to where we can start having additional public hearings to finally be at the adoption in January 2017. It is still a long process. We are just starting into finishing the phase 1 piece that was initiated several years ago and getting into the public comment to be able to present the comprehensive plan and get input from the public and that will be part of our phase 2 piece to actually going through 2016 to go through the public hearings necessary to have it approved at the end of 2016 to be submitted for the final adoption in January 2017. By working on it that keeps us eligible because we're in the process and it gives us time for funding to continue to have opportunities to apply for federal grants for street projects. By working on it and continuing this process and having a plan schedule that shows that we are progressing on the process just allows us to continue to go forward, get public input and work towards the adoption. It is every five or six years that we have to update the comprehensive plan. Definitely a few years behind but we aren't the only jurisdiction that is in the same boat because of funding limitations. The full-fledged update for the Storm water Comprehensive Plan was over $ 100,000.00. When you are looking at funds from the general fund, trying to fund that, which was almost impossible. So we are taking smaller steps, updating the sections that are necessary for us to keep going forward and work towards full adoption in the future. This is a good start of utilizing the time and efforts that have already been put forth in the past and just updating and getting these pieces going forward.
Chairman Lambert said if he understood him correctly at this time....(not audible)
Mayor Schaub said and updating it with current population from what we had in 2012.
Chairman Lambert ..(not audible)
Mayor Schaub said quite a bit of work was done with the UW group and not a lot has changed in the environment that would require deviation from the original work. But we do have to update it because we have to be within a certain scope of time for submission. If this would have been adopted in 2013, it's a long and a costly process and there just is not the funding to put the effort forward to do the full plan. We are trying to do the best with the resources that we have. Through our request to PSRC and the Dept. of Commerce this is allowing us the ability to apply for grants and be in compliance.
Mr. Beagle explained that the town received PSRC dollars for the signalized intersection at SR 161 (Washington Ave) and Center St. There are two more phases of that project which is from the Gypsy Wagon just to the other side of Lynch Creek. Those two phases are an issue for us by not being in compliance here because we have to pay 13½ % of those dollars but we can ask and we received $ 760,000.00 for the street light. We then turned right around and applied for Small City Set asides through the Transportation Improvement Board which we qualified for because our population is less than 5,000 so we could potentially get the project for free. But by not having certain sections of this plan is going to limit our capability to apply for those other two phases which is huge for us as you can imagine because there is a million and a half dollars more of work

out there that we would have to pay full. You will see some things coming forward that are transportation related that we can check the box for releasing those dollars.
Commissioner Beach asked what it is that staff wants from the commission, an adoption of this schedule?
Mr. Beagle explained that this was a Comprehensive Plan review. Tonight was more for information. We are going to follow this schedule but if you have any concerns we could talk about them.
Commissioner Beach said he was the only one on the commission who has been through the comprehensive plan and at that time we were already 10 years late. He thinks the town is optimistic regarding the schedule because at the time they went through it was probably 2 years and something was being done every meeting. There were some controversial matters and those took some time.
Chairman Lambert asked for a motion to accept the schedule for the Comprehensive Plan...(not audible).
Mr. Beagle explained that the town was told that the mail can take up to four days to be delivered. Because we did not get the information in a timely manner it was not delivered to you in time.
Chairman Lambert said he was not being critical of the delivery of the packet but if you are going to stick to this schedule it would be nice if we had our packets a little earlier. This way if he heads out of town for the weekend he will have his packet to review.
Mr. Beagle said that the town is going to switch the meetings to once a month and this should allow us to get the packets to you in a timely manner. The meeting will probably take place on the third Monday of the month. We feel we can be just as effective with one meeting and this will give us enough time internally too.
Chairman Lambert said it would be nice for future variances and stuff to have a conversation with our planner or something. This process is not working.
Mr. Beagle said that he would be sure and relay that to him but we are saving 4 hours of billable his time.
Chairman Lambert said that he had some typos in there that led to some confusion.
Commissioner Beach said speaking of that, we should note that on page 12 it says we had this hearing on Sept. 8th ... it needs to be changed to the 21st.
Commissioner Miller wanted to commend the past planners and their staff for their foresight on the Comprehensive Plan. It is still basically relevant, just a matter of a few tweaks on what some regulations have changed.
Mr. Beagle said that unfortunately that person who has the most connectivity to it no longer works here. There is a certain amount of review that the new planner must take into consideration.
Mayor Schaub said it's an opportunity for master programs to tap into more of those resources for projects like this. To have more college work done, it's good for them and for the town.

OLD BUSINESS

Nuisance Code updates

Mr. Beagle explained that at the last meeting the commissioners received a relined copy of changes to the Nuisance Code. This week you have clean copy. Since agenda packets were just received today, he would prefer that the planning commission take the time to review the clean copy. Ask questions of staff and we can distribute those answers through an email to all of the commissioners. This way we can be a little more efficient instead of waiting for the next meeting

to have those questions. In his opinion there has not been enough time for planning commission to review this, but that is just his opinion.
Chairman Lambert agreed. He asked for any questions from the commissioners.
Commissioner Miller said he noted that there was some discussion on noise and changes were made and he thanked staff.
Commissioner Beach said in Chapter 1.12, the bottom of the first page, 1.12.030 – Civil Infractions, it gives three classifications of civil infractions ranging from $ 250.00 on down. Above this, 1.12.020 D – it states that "Each day during which a violation under this chapter occurs or exists shall be deemed a separate civil infraction. " All of these three codes nuisances, junk automobiles and noises, none of them have what "classification" of infraction this is. It does say in 1.12.030 –B "All civil infractions which are not classifieds in this code as class 1, class2, class 3 or class 4 civil infractions are hereby designated as class 1 civil infractions". So that means that all these classifications on these subsidies are class 1 infraction because he did not see in any of them what class it was. Each day is a separate infraction?! Two days would be 500.00, three would be $ 750.00 and he was just wondering if the town really wants to go down this route. He does not a real answer for this but it ought to be considered. If you were sure that whoever is being charged with this has had adequate notice and adequate opportunity to do something about it, maybe that is not so bad.
Mr. Beagle answered that there is a process where a notice of correction will be mailed, both regular and certified identifying the code violation with a reasonable time as determined by administration for the correction. Once that correction notice time goes past, then the civil infraction is given.
Commissioner Beach said that somehow it needs to made very clear to the person that once that time is up it is $ 250.00 a day.
Mr. Beagle said that there has been some work done by out attorney on the notice of correction. There is the language that will identify that this will be $ 250.00 a day. We did not bring the letter forward because we were talking about the proposed ordinance. There is a process that our attorney is walking us through and there are steps that we have to do in order for a judge to be able to impose these fees.
Commissioner Beach asked that since these three ordinances are all Class I, what is Class 2, 3 and 4. Do these even exist in the EMC?
Mr. Beagle did not. He identified dollar amounts with the different classes but would have to find out what the classes are. He will get Mr. Beach the answers.
Chairman Lambert said he did not see anywhere where it states when the clock starts.
Mr. Beagle said the clock starts when they are given the notice of correction.
Chairman Lambert ....not audible.
Mr. Beagle said that this is something that the town will have to monitor.
Commissioner Beach said on the second to the last page 8.08.060 only says something about persons. It should be secured against "whatever" can create a nuisance. Make it a little broader.

There were no comments from the public.

Comments from Commissioners

Commissioner Justice said she just got her packet at 5:00 p.m. this evening.

Commissioner Beach said that the town says they are going to have meetings once a month. It's not a bad idea accept the human tendency to procrastinate, you've just extended it another two weeks.

Next meeting: October 19, 2015.

ADJOURNMENT

Chairman Lambert adjourned the meeting at 8:33 p.m.

Chairman Lambert

David Craig - Secretary

ATTEST:

Kerri Murphy – Recording Secretary